

Appl. No. : 08/807,500
Filed : February 27, 1997

REMARKS

Claims 3-7, 9-16, 21, 22 and 28 have been amended per the Examiner's request and in order to improve the clarity of claim language, to correct grammatical mistakes or ambiguities, and to otherwise improve the capacity of the claims to particularly and distinctly point out the invention to those of skill in the art. New Claims 29 and 30 have been added. Support for the new claims can be found in Claim 21 and Claim 12. No new matter has been introduced with these amendments. As a result, claims 3-16, 21, 22, 28-30 are presented for further examination.

Claim rejections under 35 U.S.C. §112

The Examiner has rejected Claims 3-16, 21, 22, and 28 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. More specifically, Claims 7, 14 and 16 were rejected for being dependent from canceled claim 1. Claim 3 was rejected for reciting "the virus"; Claim 4 was rejected for reciting "the virus nucleic acid sequence"; Claim 10 was rejected for reciting "the nucleotide sequences"; Claim 13 was rejected for reciting "capable of inhibiting tumor neoangiogenesis"; Claim 22 was rejected for reciting "The recombinant vector"; Claim 28 was rejected for reciting "the transfected cell" without proper antecedent bases for these terms. In addition, Claim 11 was rejected for reciting "fragment", while Claim 10 recited "fragment" in at least two contexts. Claim 12 was rejected for reciting "labeled with the aid of radioisotopes which emit...", while this language does not clarify if the agent itself was labeled, or some other label facilitated by a radioisotope s attached to the agent. Furthermore, all claims that depend on Claim 10 were rejected because they recite "The nucleotide sequence of Claim...", while Claim 10 recites "nucleotide sequence" in at least 3 different contexts.

The Applicant has amended Claims 7, 14 and 16 to now depend on Claim 10. Claim 3 has been amended to now recite "the oncoselective autonomous parvovirus" which has a proper antecedent basis in Claim 10. Claim 4 has been amended to now recite "the nucleotide sequence of the oncoselective autonomous parvovirus" which has a proper antecedent basis in Claim 10. Claim 10 has been amended to now recite "a nucleotide sequence that encodes..." various polypeptides in the Markush group. Claim 13 has been amended to now recite "which inhibits tumor neoangiogenesis" which has proper antecedent basis in Claim 10. Claim 22 has been amended to now recite "A recombinant vector". Claim 28 has been amended to now recite "a transfected cell". Claim 11 has been amended to now recite "the fragment of the cytotoxic

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polypeptide" which has proper antecedent basis in Claim 10. Claim 12 has been amended to recite "radioactive toxic agent is a guanosine analog labeled with ¹²³Iodine radioisotope". Furthermore, Claim 10 has been amended to specify the various nucleotide sequences.

CONCLUSION

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above amendments, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: May 17, 2009

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